THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.3000 of 1999

DATED:14.03.2006

Between:

S. Gopala Krishna ..Petitioner

And

The Municipal Corporation of Hyderabad represented by the Commissioner, Tank Bund, Hyderabad. and others. ..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.3000 of 1999

ORDER:

The petitioner is a resident of Nallakunta area of Hyderabad. He is allegedly residing in the house bearing No.2-1-435/1, for more than
18 years. The house is constructed on a plot area admeasuring 100 square yards. He alleges that when respondents 4 and 5 are trying to interfere with the possession, he filed a suit, being O.S.No.876 of 1995 on the file of the Court VI Assistant Judge, City Civil Court, Hyderabad, and obtained ad interim injunction. As there was damage to the house due to rains, he ventured to take repair work. When on 22-01-1999, the officials entered the premises and demolished a portion of wall and prevented the petitioner from carrying on from the repair work, he filed the present writ petition seeking a direction to respondents 1 to 3 prohibiting them from demolishing the structures.

When the matter is called, the learned counsel for the petitioner is absent. The learned Standing Counsel for the Municipal Corporation of Hyderabad (MCH) submits that under Section 433(b) of the Hyderabad Municipal Corporations Act, 1955, even when alteration or repair to building is undertaken, permission is required. In this case, the petitioner has not taken any permission and even before MCH could take necessary action by issuing a notice, the present writ petition is filed.

Having considered the submission of the learned counsel for the respondent, this Court is of the considered opinion that admittedly the petitioner has not obtained any permission from the MCH, and therefore, it shall be open to the Corporation to initiate necessary action against the petitioner for taking up alteration or repair work without obtaining prior permission.

The writ petition, with the above observation, is disposed of. No costs.

_____

(V.V.S.RAO,J)

14.03.2006

GJ